

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	\$	DEMAND		JUDGE NUMBER	JURY DEM.	YR.	DOCKET	
	YR.	NUMBER	MO.	DAY	YEAR							OTHER	NUMBER				NUMBER	
1085 /4	76	0035	2	3	76	3	890	1				\$5		8509	D	76	0035-B	

PLAINTIFFS

EARL J. BUTCHER

DEFENDANTS

CARROL S. TUCKER

CAUSE

Brought pursuant to Title 15 OSCA Section 1989-1991. This is a case where the Pltf. is alleging that the Defendant tampered with the odometer of a car he purchased.

ATTORNEYS

E. Carleton James, Jr.
Lang & James
2626 E. 21st ., Suite 2
Tulsa, Oklahoma 74114

744-3313

Edward L. Moore, Jr.
4143 East 31st Street
Tulsa, Oklahoma 74135
918/749-8891

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE	RECEIPT NUMBER	C.D. NUMBER

STATISTICAL CARDS

CARD	DATE MAILED
JS-5	3-1-76
JS-6	3-1-77

DATE 1976	NR.	PROCEEDINGS
2-3-76	1	Complaint filed. Summons Issued.t
2-17	--	Return on U.S. Marshals Service, Summons, filed. Served Edward L. Moore, Jr., in Tulsa, OK, on 2-6-76, w/fees of \$5.00. Served Carroll S. Tucker by serving Cathy Stansiter in Tulsa, OK, on 2-13-76 w/fees of \$5.16. v (Total fees of \$10.16)
3-4	2.	Motion of Deft. to Strike, fld. v
3-4	3.	Mot. to Dismiss, Presenting Defenses of Failure to State a Claim, & of Failing to join an indispensable party under Rule 19, All Under R. 12(b), fld. v
3-4	4.	Brief in support, fld. v
3-4	MO:	Ordered by the Court that Pltf. is granted 10 days from this date to respond to Defendant's motions. (AEB-J)v
3-10	5.	Pltf's Memo. Brief in Opposition to Deft's Mtn to Dismiss, Mtn. for Failure to State a Claim, Mtn. for Failing to Join an Indispensable party & Mtn. to Strike, filed.jj
3-15	6.	Appl. of pltf. for oral argument, filed. rm
3-19	MO	Case referred to Mag. Morris L. Bradford for F&R on deft's mots. to strike and to dismiss and pltf's appl. for oral argument. (AEB-J)k
4-16	MO	Case set for hrg. on pending motions: before Mag. on 5-12-76 at 3:00 p.m. (MLB-Mag)k ntc by KT
5-12	MO	Case called for hrg. before Mag. on pending mots. Parties present. Mag. finds that deft's mot. to strike should be sustained, that deft's mot. to dismiss should be denied, and pltf's appl. for oral argument be deemed moot. Pltf. counsel to prepare F&R and proposed Order w/in 5 days. (MLB-Mag)k
5-18	7.	Findings and Recommendations of the Magistrate, filed. (MLB-Mag)k cps mld
6-1	8.	Order, filed, that mots. of deft. to strike paragraphs 4 & 5 of pltf's compl. are sustained, and that deft's mot. to dismiss is denied. (AEB-J)s cps mld
6-3	9.	Deft's answer presenting defenses and requesting declaratory relief, filed.k
6-3	10.	Deft's <u>DEMAND FOR JURY</u> , filed.k
6-22	MO	Parties are directed to hold PT conf. on or before 8-5-76 & file PT Order on or before 8-11-76. (AEB-J)s cps by cert ml
7-13	11.	Deft's first set of written interrogs. to pltf., filed.k
7-21	12.	Pltf's ans. to deft's first set of written interrogs., filed.s
8-3	13.	Pre-trial Order, filed.(AEB-J)b
8-11	14.	Pltf's motion for summary judgment on the question of liability, filed.s.
8-11	15.	Pltf's brief in support of motion for summary judgment on the question of liability, filed.s
8-11	16.	Affidavit of E. Carleton James, Jr., atty for Pltf., filed.s
8-11	MO	It is ordered by the Court that the Deft. file a responsive brief within ten (10) days to the motion for summary judgment of the Pltf., (AEB-J)s cps. mld.

PLAINTIFF		DEFENDANT	DOCKET NO. _____
EARL J. BUTCHER		CARROLL S. TUCKER	PAGE <u>2</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS	
1976			
8-23	17.	Deft's motion for summary judgment, filed.s	
8-23	18.	Deft's motion in limine, filed.s	
8-23	19.	Deft's memorandum brief in opposition to Pltf's motion for summary judgment on the question of liability and in support of deft's motion for summary judgment and deft's motion in limine, filed.s	
8-24	MO	It is ordered by the Court that the Pltf. file a responsive brief within ten (10) days to the motion for summary judgment and motion in limine of the deft.(AEB-J)s cps. mld.	
9-2	20.	Pltf's memorandum brief in opposition to deft's mot. for S/J, and mot. in limine, filed.k	
12-13	21.	Order, filed, that Pltf's mot. for S/J is sustained; further, that matter is set for hearing on damages at 11:00 a.m. on 12-16-76.s ntc. by phone & cert. cys. mld. (AEB-J) Entered.	
12-16		Hearing stricken from docket of this date as case is settled. Joint Journal Entry of Judgment for Pltf. in the amt. of \$1,500.00, filed & signed in open court.	
12-16	22	Joint Journal Entry of Judgment in the amt. of \$1,500.00, for Pltf., against Deft. for damages, costs & atty. fee, filed & entered.(AEB-J)b cps mld	
12-16	MO:	Due to a scrivener error in the Order entered 12-13-76, IT IS ORDERED, nunc pro tunc, that paragraph 3 of the Conclusions of Law on Page 3 is corrected to read as follows: 3. That Plaintiff is entitled to receive three times the amount of actual damages sustained or \$1,500, whichever is greater. Title 15 USC, Sec. 1989, provided plaintiff can prove actual damages. IT IS FURTHER ORDERED that plaintiff is granted 5 days from this date to brief the question of attorney fees and defendant is granted 5 days from then to respond.(AEB-J)b lts mld on 12-17-76	
12-20	23.	Pltf's motion for attorney fees with brief as part of motion filed.s	
12-20	MO	It is ordered by the Court that the defendant file a responsive brief within 10 days to pltf's motion for attorney fees.s (AEB-J) cps. mld.	
12-22	24.	Pltf's motion requesting defendant appear and answer as to assets, filed. O to J	
12-27	25.	Order, filed, that the pltf's mot. requesting the deft. to appear and answer as to assets is sustained, further, that this matter is set for hrg. at 10:00 a.m. on 1-11-76.s (AEB-J) Pltf's counsel to make service.	
12-29	26.	Return on USM service on order to appear for asset hearing, filed. Served Carroll S. Tucker on 12-28-76 at Tulsa. Fees \$6.00.s	
12-30 1977	27.	Deft's memorandum brief in opposition to pltf's mot. for atty. fee., filed.s Deft. placed under oath.	
1-11		Case called for asset hearing. Parties present & represented./Parties retire to conf. room for hearing. Hearing passed to 2-10-77, at 10:00 A.M..(AEB-J)b	
2-1	28.	Order, fld., that Pltf.'s mot. for atty. fees be sustained and the attys. are granted fees of \$600.00. (AEB-J)v -cps. mld.	
2-10	29.	Order, filed, directing deft. to make periodic payments of \$100.00 per month to the pltf., the first payment to be made on or before 2-10-77, and subsequent payments to be on or before the 10th of each month thereafter, until the judgment is paid in full. (AEB-J)k cps mld	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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DATE	NR.	PROCEEDINGS
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